

EXECUTIVE SESSION

NOMINATION OF M. PATRICIA SMITH TO BE SOLICITOR FOR THE DEPARTMENT OF LABOR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar No. 474, the nomination of M. Patricia Smith to be Solicitor for the Department of Labor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read the nomination of M. Patricia Smith, of New York, to be Solicitor for the Department of Labor.

CLOTURE MOTION

Mr. REID. I have a cloture motion at the desk, and I ask that it be reported.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of M. Patricia Smith, of New York, to be Solicitor for the Department of Labor.

Harry Reid, Tom Harkin, Jeff Bingaman, Mark Begich, Byron L. Dorgan, Edward E. Kaufman, Barbara Boxer, Benjamin L. Cardin, Robert Menendez, Kay R. Hagan, Sheldon Whitehouse, Barbara A. Mikulski, Jon Tester, Roland W. Burris, Kirsten E. Gillibrand, Bill Nelson, Mary L. Landrieu.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I further ask unanimous consent that the vote on the motion to invoke cloture on the nomination occur at 5:30 p.m., Monday, February 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. REID. I ask unanimous consent that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF MARTHA N. JOHNSON TO BE ADMINISTRATOR, GENERAL SERVICES ADMINISTRATION

Mr. REID. I now ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 188, the nomination of Martha Johnson to be Administrator of General Services.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read the nomination of Martha N. Johnson, of Maryland, to be Administrator, General Services Administration.

CLOTURE MOTION

Mr. REID. I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Martha N. Johnson, of Maryland, to be Administrator of General Services.

Harry Reid, Joseph I. Lieberman, Jeff Bingaman, Mark Begich, Byron L. Dorgan, Edward E. Kaufman, Barbara Boxer, Benjamin L. Cardin, Robert Menendez, Kay R. Hagan, Sheldon Whitehouse, Barbara A. Mikulski, Jon Tester, Blanche L. Lincoln, Roland W. Burris, Kirsten E. Gillibrand, Bill Nelson, Mary L. Landrieu.

Mr. REID. I ask unanimous consent the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. REID. I ask unanimous consent that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRADEMARK TECHNICAL AND CONFORMING AMENDMENT ACT OF 2010

Mr. REID. I ask unanimous consent that the Senate now proceed to the consideration of S. 2968.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2968) to make certain technical and conforming amendments to the Lanham Act.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, legislation will facilitate trademark owners' maintenance of protection for their brands. I appreciate the Senate acting swiftly to pass this bill. Trademark protection is critical both for businesses that have invested in creating a reliable product, and for consumers who trust a "brand name" product to be safe and of high quality.

Last Congress, I authored legislation to provide our law enforcement community with the tools, resources, and intragovernmental coordination necessary to combat intellectual property theft. Theft of intellectual property harms our businesses, weakens our economy, and costs jobs. I am proud that the legislation, the Prioritizing Resources and Organization of Intellectual Property, or PRO-IP, Act, was co-

sponsored by a bipartisan group of 21 Senators, and was signed into law.

The Senate Judiciary Committee has held numerous hearings in recent years on the importance of intellectual property protection. In 2004, Burton Snowboards, a successful Vermont business, testified before the Judiciary Committee about how small businesses were being harmed by the rise in intellectual property theft. I am pleased that this administration is taking intellectual property protection seriously, and that it recognizes that effective enforcement of our intellectual property laws is an important component of our economic recovery.

The legislation we are introducing today is focused on the process for maintaining trademark protection. It is a targeted bill that will improve the efficiency of the trademark maintenance system. Inefficiencies cost businesses money, which can lead to higher prices for consumers and can cost workers their jobs. When Congress has an opportunity to take waste out of a government process, it should do so on a bipartisan basis. That is what we are doing today. This bill will harmonize the system for submitting maintenance filings to the United States Patent and Trademark Office, USPTO. Maintenance filings are required for continuing the protection of a trademark. Our legislation will also permit the Director of the USPTO to permit applicants to correct good faith and harmless errors and will make several technical amendments within our trademark laws.

This legislation also requires a study of how the current system can better protect small businesses from abuses of the trademark system by larger corporations. Congress provides strong enforcement tools to intellectual property owners, as we should, to deter infringing activity and to remove counterfeit products from the market. I have become concerned, however, that large corporations are at times abusing the substantial rights Congress has granted them in their intellectual property to the detriment of small businesses. In fact, we saw a high-profile case like this in Vermont last year involving a spurious claim against Rock Art Brewery in Morrisville. When a corporation exaggerates the scope of its rights far beyond a reasonable interpretation in an attempt to bully a small business out of the market, that is wrong. This legislation therefore directs the Secretary of Commerce, in coordination with the Intellectual Property Enforcement Coordinator, to consider options for protecting small businesses from such harassing litigation, while ensuring that legitimate trademark infringement actions are handled efficiently and expeditiously by the courts.

This is commonsense legislation, and I thank all Senators for supporting it.

Mr. REID. I ask unanimous consent the bill be read three times and passed,